

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
PACIFIC FRUIT INC.,

Plaintiff,

REFERRAL ORDER

11-CV-5650(JS)(ETB)

-against-

LONG ISLAND BANANA CORP., THOMAS J.  
HOEY, individually and in his corporate  
capacity; THOMAS J. HOEY, JR.,  
individually and in his corporate  
capacity; and DOES 1-10, individually  
and in their corporate capacity;

Defendants.

-----X  
FRUIT IMPORTERS AMERICAS, INC.,

Plaintiff,

11-CV-5651(JS)(ARL)

-against-

LONG ISLAND BANANA CORP., THOMAS J.  
HOEY, individually and in his corporate  
capacity; THOMAS J. HOEY, JR.,  
individually and in his corporate  
capacity; and DOES 1-10, individually  
and in their corporate capacity;

Defendants.

-----X  
APPEARANCES

For Plaintiffs: Daniel Frederick Paige, Esq.  
Pacific International Services Inc.  
60 Park Place, 14th Floor  
Newark, NJ 07102

For Defendants: Seth Ptasiewicz, Esq.  
Trivella, Forte & Smith, LLP  
1311 Mamaroneck Avenue  
White Plains, NY 10605

For Intervening  
Plaintiffs: William A. Cadel, Esq.  
1400 Old Country Road, Suite 200  
Westbury, NY 11590

Andrew M. Osborne, Esq.  
Osborne & Fonte  
20 Eastbrook Road  
Dedham, MA 02026

SEYBERT, District Judge:

The pending motion to intervene (Docket Entry 23) filed by New England Banana Co., Inc. is hereby REFERRED to Magistrate Judge E. Thomas Boyle pursuant to Rule 72(a) of the Federal Rules of Civil Procedure for decision. See Commack Self-Serv. Kosher Meats v. Rubin, 170 F.R.D. 93, 96 (E.D.N.Y. 1996) (stating that motions to intervene are not dispositive (citing United States v. Certain Real Prop., 751 F. Supp. 1060 (E.D.N.Y. 1989))). The parties are directed to address all future filings related to this motion to Judge Boyle.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: July 31, 2012  
Central Islip, NY